(3)

(61) C.S.108

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3624 OF 2004

PETITIONER — Ku. Meena Verma, D/o. Khorbahara Ram Verma, Aged about 19 years, R/o. C/o. Ashok Kumar Kashyap, Shanti Vihar Colony, Danganiya, Raipur (C.G.).

P.R. No. 3539/04
Presented by Shri R.K. Pushy
dated 21-9-04

VERSUS

RESPONDENTS — Board of Secondary Education, Chhattisgarh Raipur, Through its Secretary.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, MANDAMUS OR OF ANY OTHER APPROPRIATE NATURE.

(38)

A.F.R.

26/11

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.3624 of 2004

Kum. Meena Verma

Versus

Board of Secondary Education Chhattisgarh, Raipur

POST FOR ORDER ON 24.1.2004

Sd/-
L.C.BHADOO
Judge

Noted
26/11/04
for the Resp.

(39)

HIGH COURT OF JUDICATURE, CHHATTISGARH (BILASPUR)

Writ Petition No. 3624 of 2004

Ku. Meena Verma

Versus

Board of Secondary Education Chhattisgarh, Raipur

Shri Vinod Deshmukh, Advocate for the petitioner.
Shri H. B. Agarwal, Advocate for respondent-Board.

ORDER

(Passed on 26th November 2004)

As per L.C. Bhadoo J.

1. Ku. Meena Verma, the petitioner herein, appeared in the Higher Secondary School Certificate Examination, 2004 (Class 12th) under the Roll Number 21417321 from Sarvahit Karini Higher Secondary School, Rawaan (Baloda Bazar), District- Raipur Examination Center. When the result of the petitioner was declared, she was shocked to know that in the written examination of Physics subject out of 75 marks only 14 marks were awarded to her. Accordingly she applied for re-totalling and rechecking but the respondent-Board informed the petitioner that there is no change in the result. Being not satisfied with the marks awarded to her and the result of rechecking and revaluation, the petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the correctness of decision of the respondent-Board.

2. The case of the petitioner is that she attempted all the questions in the question-papers of all the subjects as per instruction contained therein to the best of her satisfaction and was very

hopeful of getting fairly good marks in all subject. As per the result declared by the respondent-Board she secured 78 marks in Hindi (Special), 75 marks in English (General), 91 marks in Mathematics, 54 marks in Chemistry but only 14 marks were awarded to the petitioner in Physics subject.

3. Further case of the petitioner is that she has always been a brilliant student. In the 10th Class Board Examination she secured 407 marks out of 500 marks and in Class 11th in Physics subject she secured 54 marks out of 70 marks.

4. Looking to the past educational record of the petitioner as also the marks secured by her in other subjects and looking to the fact that very less marks were awarded to her in Physics subject, notice was issued to the respondent/Board. Mr. H.B. Agrawal, Advocate appeared on behalf of Board who was directed to produce answer sheets of the petitioner and to file return.

5. No return has been filed on behalf of the respondent/Board, however on the date of hearing i.e. 23.11.2004 with all fairness Shri E. Lakra, Deputy Secretary of the Board of Secondary Education, Raipur and Shri R.K. Sondhiya, Assistant Grade-1 of the Board appeared alongwith answer sheet of the petitioner whose roll number was 21417321 and also the answer sheet of other student namely Sheshnarayan Tikariha whose roll number was 21417328, learned counsel for the respondent-Board came out with a very surprising and conscious shocking answer that at the Examination Center some mischief was played by some person/persons who were supervising and

concerned with the examination at the Examination Center - Sarvahit Karini Higher Secondary School, Rawaan (Baloda Bazar), District- Raipur.

6. He submitted that the Roll Number of Petitioner Ku. Meena Verma was 21417321 whereas Roll Number of one Shri Sheshnarayan Tikariha was 21417328. While comparing the answer sheets of Physics subject of above two students, it has been noticed that some one had changed the roll number of the petitioner on the answer sheets by converting the last digit '1' into '8', thereby the marks obtained by the petitioner were counted against the roll number 21417328, which was allotted to one Shri Shesh Narayan Tikaria; and marks obtained by him under roll number 21417328 were counted against the name of the petitioner as the last digit "8" of said roll number was also converted into '1'. He also produced both original answer sheets for perusal of the Court.

7. A bare perusal of the answer sheets of the petitioner clearly shows that the last digit of her roll number i.e. '1' was converted into '8' and thereby the petitioner's answer sheet was shown to be the answer sheet of the student having roll number 21417328, who is one Shri Shesh Narayan Tikaria; and by converting the last digit of roll number of said Shri Shesh Narayan Tikaria i.e. '8' into '1' the said answer sheet was shown to be of the petitioner; and, thereby by committing this forgery 14 marks secured by Shri Shesh Narayan Tikaria were entered into the mark sheet of the petitioner, whereas 65 marks secured by the petitioner were entered in the mark sheet of Shri

Shesh Narayan Tikaria. This view further finds support from the fact as informed by Shri E. Lakra, Deputy Secretary that Shri Sheshnarayan Tikariha was declared eligible for supplementary in Mathematics, only after he was declared pass in Physics subject due to the manipulation, but he could not clear Mathematics paper even in supplementary exam, whereas, in supplementary exam of Physics the petitioner secured 54 marks out of 75 marks.

8. This incident shows that as to what extent things can be manipulated. This incident is an eye-opener for everyone who are responsible for conducting the examination. As per the Rules and Regulations of the Respondent-Board there is no system of revaluation of the answer sheets, and only rechecking and totalling of marks is permitted. When such a stringent system is adopted then heavy responsibility lies on the Respondent-Board to ensure that the examination is conducted in all fairness with a perfect system so that the interest of the students should not be harmed/damaged. To curb such manipulation and in order to maintain sanctity of the examination, and transparency in the examination system, it is imperative and high time that the Board should think to introduce a system that at-least in cases where any of the students is not satisfied by the marks awarded to him/her then on his/her request the original answer sheets are shown to that student and for that purpose the Board can devise a system/scheme under which the Board can ask such desirous student to deposit particular amount; and in case no change is found in the marks or no mistake is detected, then the amount

should be forfeited by the Board; in other cases where mistake is detected and thereby some change is required in the marks then said amount of the candidate must be refunded.

9. Even otherwise, looking to the examination system where number of persons are involved right from the examination center till evaluation process, things can be manipulated at any stage in any form. Therefore, in order to maintain transparency in the examination system and to control/check manipulation and to satisfy the students/candidates the Board must devise a system for showing the answer sheets to the students/candidates on his/her request. Otherwise such manipulation/irregularities are bound to increase which may not only affect career of a student but also lose the confidence of student in the examination and evaluation system. Not only this if such manipulation and irregularities are not controlled at this stage, number of students are bound to fall in the trap of miscreants to gain benefit by such manipulations. Therefore it is high time that in the name of secrecy such manipulations should not be allowed to take place.

10. The respondent-Board should also consider that where there are complaints of mass-copying, such manipulations or other irregularities and such incidents have taken place at particular examination centers, then they should exclude such schools from the list of the examination centers, apart from other action against the person involved and also the institution.

11. In this case for no fault of the petitioner her one-year has been spoiled on account of mismanagement on the part of the

respondent-Board and that too one can understand under what kind of tension/turmoil the petitioner remained during this period and suffered during this period.

12. In the result the petition of the petitioner is allowed with cost. The respondent-Board is directed to suitably correct the mark sheet of the petitioner and that of Shri Shesh Narayan Tikaria and supply the same to them at the earliest. In the facts and circumstances of the case the respondent-Board is directed to pay cost of Rs. 5000/- (Rupees Five Thousand) to the petitioner within a period of one month from today.

13. At the same time the Respondent-Board is directed to institute the fact finding enquiry in order to identify the persons who were involved in this manipulation/forgery, which should be entrusted to some senior officer of the respondent-Board who shall enquire into the matter and fix responsibility on the person/persons responsible for this forgery i.e. for change of last digit of the roll numbers of the petitioner and Shri Shesh Narayan Tikariha. The report be submitted to this Court by 23rd December, 2004 for further action in accordance with law.

14. List the petition for consideration of the enquiry report and order on 23rd December, 2004.

15. In view of the above order I.A. No.8956/2004 stands disposed of.

16. A copy of this order be sent to the Chief Secretary and Secretary, Education Department for necessary action in the matter.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge

Thakur